

**REMARKS/ARGUMENTS**

This Proposed Amendment is submitted in response to an Examiner suggestion that Applicant consider amending claims 7, 11 and 12 to include features of allowable claim 9 to place the application in condition for allowance. In addition to amending claims 1, 11, and 12, Applicant proposed amending claim 9 as indicated above to improve how the claim reads. In addition to submitting this amendment electronically via the PAIR system, a courtesy copy is being E-mailed to the Examiner as requested by the Examiner.

**I. Interview Summary**

On September 22, in an Examiner initiated telephone interview, the Examiner suggested to Applicant's representative, Michael P. Straub, Reg. #36,941, that Applicant consider amending claims 7, 11 and 12 to include features from allowable claim 9 to thereby place the Application in condition for Allowance. The Examiner requested that Applicant provided a proposed amendment to the Examiner by E-mail if amending the claims as per the Examiner's suggestion was acceptable, Applicant's representative agreed to consider the Examiner's suggestion and indicated that, if after further consideration, Applicant was willing to agree to the Examiner's suggested amendment. On Monday September 28, in response to a reminder message received from the Examiner on Friday Sept. 25, 2009 Applicant's undersigned representative called the Examiner and indicated that he would get back to the Examiner by the end of the day, May 29, 2009 regarding the Examiner's suggested amendment.

This amendment is in response to the Examiner's suggestions and request for a proposed amendment. No prior art was discussed during the telephone discussions noted above.

## **II. Conclusion**

Applicant respectfully submits that amending the application as indicated above will place the application in condition for allowance<sup>1</sup>. **Assuming the Examiner agrees that amending the case as proposed will place it in condition for allowance the Examiner is authorized to enter the proposed amendment as a formal amendment by way of an Examiner's amendment.**

To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

Respectfully submitted,

September 29, 2009

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<sup>[1]</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.